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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
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3637

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07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/625,744	Applicant(s) WOODY, LATREICE	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: <u>4/26/2007</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> |

On April 26, 2007, two sets of claims were submitted. The examiner is considering the set of claims with the most claim amendments (with the changes discussed in the interview of April 26, 2007), the claims on review.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the shapes of the rear, side and upper/lower panels are not described in the specification in the same detail as now claimed. Note: the new descriptions in claim 1 are being considered as originally disclosed because they are supported by the figures.

Claim Objections

Claims 3 and 7 are objected to because of the following informalities: in claim 3, line 2, "an" should be "and" and in claim 7, line 2, "a handle" should be "the handle". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. For claim 1, in lines 4 and 7, it is unclear whether or not the "left and right sides" are the sides claimed in line 3, or if they are different sides, e.g. part of the rear panel in line 4. For claim 6, it is unclear whether or not the "left and right sides" are the same sides claimed previously (assuming sides in line 3 of claim 1 are directed to the base).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinds (7,188,844) in view of Tyus et al (6,036,203). Hinds teaches a portable nail salon (Fig.2; Note: term "nail salon" is simply nomenclature. The apparatus of Hinds capable of multiple uses; see attachment A) comprising: a body (12) having an ergonomic curved rear panel, attached to corresponding crescentric left and right sides; a base (bottom panel) adjacently connected to the rear panel and the left and right sides forming an inner cavity; shelves (14,18) inside the cavity; a handle (50) formed at the top of the left and right sides; and a curvilinear upper panel (16) hingably attached to the left and right sides. For claims 1 and 2, Hinds fails to teach a hinged lower panel in congruent agreement with the upper panel to enclose the inner cavity. Tyus teaches the use of a lower panel (26) to removably/hingably enclose the lower portion of a mobile

apparatus (10). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the salon of Hinds by making its lower curved panel a hinged door, such as is taught by Tyus, to provide accessible and closable storage space in the lower portion of the apparatus. Note: Hinds in view of Tyus teaches panels having a hinge arrangement allowing the upper and lower panels to be raised to a vertical position and locked in a horizontal position perpendicular to the nail salon. For the lower panel, these are two different positions meeting the limitations of claim 2.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hinds in view of Tyus and further in view of Rodon et al (D484724). As stated above, Hinds in view of Tyus teaches the limitations of claims 1-3, including upper and lower panels. For claim 4, Hinds in view of Tyus fails to teach indentations on the upper and lower panels. Rodon teaches panels with indentations therein (Fig. 8). It would have been obvious to add holders, such as is taught by Rodon, onto the panels of Hinds, to provide a storage means/place for small items on the panels while they are in their horizontal positions.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinds in view of Tyus and Rodon as stated above and further in view of Muller et al (4,432,112). As stated above, Hinds in view of Tyus and Rodon teaches the limitations of claims 1-4, including a rear panel. Hinds further teaches a wheel attached to the left and right sides (via frame 52). For claim 5, Hinds in view of Tyus and Rodon fails to teach a light on the rear panel. Muller teaches a light (94) on the rear panel of a cabinet. It would have been obvious to add a light on the rear panel of the salon of

Hinds in view of Tyus and Rodon, in the bottom compartment thereof, to provide a means inside the salon which would allow one to better view the contents in the bottom compartment.

For claim 7, Hinds fails to teach that the handle has a horizontal interconnecting portion. However, Tyus also teaches a handle (50) having two vertical and one interconnecting horizontal portion. It would have been obvious to add a horizontal portion on the handle of Hinds, such as is taught by Tyus, for gripping and stability purposes.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens
July 17, 2007


JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637

